

13408 U.S. PTO  
09/22/03

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September 22, 2003

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Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop Patent Application  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Re: Continuation of Application No. 09/889,828  
Applicant(s): BORRELLI et al.  
Title: TUMOR NECROSIS FACTOR ANTAGONISTS AND THEIR USE IN ENDOMETRIOSIS  
Atty's Docket: BORRELLI=2A

Sir:

Attached herewith is the above-identified divisional application for Letters Patent including:

- ☒ Specification (21pages), claims (3 pages) and abstract (1 page)  
☒ 3 Sheets Drawings (Figures 1-3)  
☒ Formal ☐ Informal  
☒ Application Data Sheet (3 pages)  
☒ Declaration and Power of Attorney ( 2 page(s))  
☐ Newly executed ☒ Copy from prior application no. 09/889,828  
☒ Communication  
☐ Computer-readable Sequence Listing  
☐ Supplemental Preliminary Amendment  
☐ Information Disclosure Statement with \_\_\_ references  
☐ A verified statement to establish small entity status under 37 CFR §1.9 and 37 CFR §1.27 (\_\_\_ page(s))  
☒ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ 750.00 , to cover the filing fee calculated as follows (including any preliminary amendment for entry prior to calculation of the filing fee):

CLAIMS AS FILED				
FOR	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$ 750.00
TOTAL CLAIMS	18-20	= 0	x 18	--
INDEPENDENT CLAIMS	3 - 3	= 0	x 84	--
<input type="checkbox"/> Multiple Dependent Claim Presented			+ 280	--
<input type="checkbox"/> Reduction of 1/2 for Small Entity				
TOTAL FILING FEE				\$ 750.00

- ☐ Any additional fee required by the filing of an enclosed preliminary or supplemental preliminary amendment (for entry after calculation of the filing fee) has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	CALCULATION
TOTAL		-	=	x 18	
INDEP.		-	=	x 84	
<input type="checkbox"/> Multiple Dependent Claim Presented				+ 280	
<input type="checkbox"/> Reduction by 1/2 for Small Entity					
Total Additional Fee =					

- ☐ Other Fees: \_\_\_\_\_
- ☐ Other Attachments: \_\_\_\_\_
- ☐ Return Receipt Postcard (in duplicate)

The following statements are applicable:

- ☒ The benefit under 35 USC §119 is claimed of the filing date of:  
Application No. 99101194.1 in Europe on January 22, 1999. A certified copy of said priority document was transmitted by the International Bureau to the file of parent application July 23, 2001, since said parent case is a national phase of a PCT application.
- ☒ The present application is a ☒ Continuation ☐ Division ☐ Continuation-in-part of prior Application No. 09/889,828.
- ☒ Incorporation By Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ Pursuant to 37 C.F.R. §1.63(d)(2), please delete as inventor(s) the name(s) of \_\_\_\_\_, who is/are not inventor(s) in the present divisional application.
- ☒ The application is (or will be) assigned to: APPLIED RESEARCH SYSTEMS ARS HOLDING N.V., whose address is Pietermaai 15; Curacao, The Netherlands Antilles (NL).
- ☒ Amend the specification by replacing the Reference to Related Applications with the following:  
--This is a continuation of copending parent application Serial No. 09/889,828, nationalized July 23, 2001, which is the national stage under 35 U.S.C. 371 of international application PCT/IB00/00052, filed 19 January 2000 which designated the United States, and which international application was published under PCT Article 21(2) in the English language.--
- ☒ Certain documents were previously cited or submitted to the Patent and Trademark Office in the following prior application 09/889,828, which is relied upon under 35 USC §120. Applicants identify these documents by attaching hereto a form PTO/SB/08A listing these documents, and request that they be considered and made of record in accordance with 37 CFR §1.98(d). Per Section 1.98(d), copies of these documents need not be filed in this application.
- ☒ As in the parent application 09/647,874, please associate the present application with Customer No. 001444 and recognize only the practitioners associated therewith.

- ☐ A verified statement claiming small entity status is enclosed in progenitor application no. , filed . Status is still proper and desired.
- ☐ The undersigned attorney of record hereby revokes the powers of attorney of:
- ☐ The undersigned attorney of record hereby appoints associate power of attorney, to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith to:
- ☒ The Commissioner is hereby authorized to charge payment of the following additional fees associated with this communication or credit any overpayments to Deposit Account No. 02-4035:
- ☒ Any additional filing fees required under 37 CFR §1.16.
- ☒ Any patent application processing fees under 37 CFR §1.17.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees, based on any paper filed during the pendency of this application or any CPA thereof, to effect any amendment, petition, or other action requested in said paper or credit any overpayments to Deposit Account No. 02-4035:
- ☒ Any patent application processing fees under 37 CFR §1.17.
- ☐ The issue fee set in 37 CFR §1.18 at or before mailing the Notice of Allowance, pursuant to 37 CFR §1.311(b).
- ☒ Any filing fees under 37 CFR §1.16 for presentation of extra claims.
- ☒ If a paper is untimely filed in this or any CPA thereof by Applicant(s), the Commissioner is hereby petitioned under 37 CFR. §1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 CFR §1.17 to Deposit Account 02-4035.
- ☒ The Commissioner is hereby authorized to credit any overpayment of fees accompanying this paper to Deposit Account No. 02-4035.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.

By: 

Allen C. Yun

Registration No. 37,971

ACY:pp

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: BORRELLI=2A

In re Application of:	)	Art Unit:
	)	
BORRELI et al.	)	Examiner:
	)	
Appln. No.: NOT YET ASSIGNED	)	Washington, D.C.
	)	
Date Filed: ON EVEN DATE HERewith	)	Confirmation No.
	)	
For: TUMOR NECROSIS FACTOR...	)	September 22, 2003

COMMUNICATION

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
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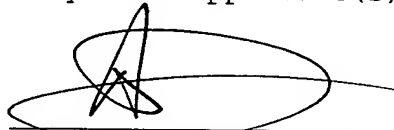
Sir:

While this application is normally designated as a continuation application, applicants do not wish to be specifically bound by the constructive election made in parent application 09/889,828 and requests the opportunity to make an election in the event that a restriction is deemed necessary by the examiner.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By



Allen C. Yun

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